

CHARTER REVIEW COMMISSION
Wednesday, July 11, 2007 – 8:00 a.m.
6th Floor Conference Room
Council Office Building

Commission Members Present:

Nancy Soreng, Chair
Alice Gresham Bullock, Vice-Chair
Michael Cogan
Karen Czapanskiy
Dianne Felton
Wilbur Friedman
Mollie Habermeier
Judith Vandegriff
Charles Wolff

Staff:

Marc Hansen, Office of the County Attorney
Marie Jean-Paul, County Council
Amanda Mihill, County Council

Guests:

Dale Tibbitts, Office of Councilmember Elrich
Mike Faden, County Council

Commission Members Absent:

Anne Marie Vassallo
Robert Shoenberg

Commission Chair Nancy Soreng called the meeting to order at 8:00 a.m.

I. What Qualifies as Charter Material?

Marc Hansen, Deputy County Attorney, briefed the Commission on the history of local government in Maryland and the relationship between the state and local governments. Mr. Hansen explained that the Express Powers Act gives home rule counties the power to legislate in areas that the State and Federal government has not preempted. Mr. Hansen further explained that the County and the State have concurrent authority, but under the doctrine of preemption by conflict, the County cannot permit something the State has expressly prohibited nor can the County prohibit something the State has expressly permitted.

The Charter is basically the County's constitution. The Court of Appeals has held that a Charter should deal with the organization of local government and the allocation of the powers granted to the County by the State among the entities or agencies created in the Charter. Legislative material should not be found in the Charter. Legislative power must primarily reside in an elective Council, but this power can be shared. For example, legislative power may be shared with the County Executive, who has the power to veto legislation. In addition, the Council's legislative power can be shared with the people through the power of referendum. The County Charter provides that the people of Montgomery County can share the legislative power by petitioning laws passed by the County Council to referendum.

Mr. Hansen explained that a proposed Charter Amendment must be approved by the registered voters of the County. A Charter Amendment is placed on the ballot in one of two ways:

1. The County Council may place a proposed Charter Amendment on the ballot. The Charter Review Commission may advise the Council about existing Charter proposals or make independent suggestions for Charter amendments.
2. Citizens may petition a Charter Amendment, as long as the petition contains the requisite signatures of not less than 20 percent of registered voters or 10,000 whichever is less.

II. Discussion of Potential Charter Review Issues

The Commission heard a presentation by former Councilmember Esther Gelman. Ms. Gelman noted that past Commissions have looked at the make-up of the County Council as one of its topics (i.e., how many members should the Council have, how many members should be district members, how many members should be at large members). If the Commission studies this issue, Ms. Gelman urged that the Commission not recommend increasing the number of district Councilmembers to outweigh the number of at large members. Ms. Gelman urged that additional district Councilmembers will be problematic because district representation can strangle government, it can cost more, and will be less efficient. Ms. Gelman also suggested that the Commission study whether to amend the Charter to preclude an individual from collecting paychecks from multiple County agencies.

The Commission also heard a presentation by former Councilmember Gail Ewing who supported the current composition of the Council (i.e., five district Councilmembers and four at large Councilmembers). Ms. Ewing suggested the Commission study whether the Charter should be amended to prohibit a County Executive from serving more than two terms.

III. Administrative Items

The Commission approved the minutes from the June 13, 2007 meeting with the following change:

- Correct the vote count for the motion to invite Doug Duncan, the immediate past County Executive, to speak to the Commission first. The minutes should accurately reflect that Wilbur Friedman and Charles Wolff voted for the motion and not against the motion.

Motion made by Alice Gresham Bullock and seconded by Judith Vandegriff. Motion passed unanimously.

Ms. Soreng adjourned the meeting at 9:30 a.m.